

fee only

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES (Small Entity)**Docket No.  
840.052.203In Re Application Of: **WHITEHOUSE, ET AL.**Application No.  
09/901,428Filing Date  
7/9/01Examiner  
Kiet T. NguyenCustomer No.  
04617Group Art Unit  
2881Confirmation No.  
8546Invention: **MULTIPOLE ION GUIDE MASS SPECTROMETRY.....****RECEIVED  
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FEB 10 2005

**COMMISSIONER FOR PATENTS:**

Applicant(s) hereby appeal(s) to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner dated **08/17/2004** finally rejecting Claim(s) **99 and 115**

Applicant is a small entity under 37 CFR 1.9 and 1.27.

☒ Applicant claims small entity status. See 37 CFR 1.27The fee for this Notice of Appeal is: **\$250.00**☐ A check in the amount of the fee is enclosed.☐ The Director has already been authorized to charge fees in this application to a Deposit Account.☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. **02-2105**☐ Payment by credit card. Form PTO-2038 is attached.

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

  
Signature

Dated: Feb. 10, 2005

Peter L. Berger, Esq. (Reg. No. 24,570)  
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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

(Date)

Signature of Person Mailing Correspondence

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02/10/2005 11:31

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LBL LLP

FEB 10 2005

**PETITION FOR EXTENSION OF TIME TO FILE  
NOTICE OF APPEAL (Small Entity)**

Docket No.  
840.052.203

In Re Application Of: **Whitehouse, et al.**

Application No. <b>09/901,428</b>	Filing Date <b>7/9/01</b>	Examiner <b>Kiet T. Nguyen</b>	Customer No. <b>04617</b>	Group Art Unit <b>2881</b>	Confirmation No. <b>8546</b>
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Invention: **MULTIPOLE ION GUIDE MASS SPECTROMETRY....**

**COMMISSIONER FOR PATENTS:**

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of 08/17/2004 in the above-identified application.  
*Date*

The requested extension is as follows (check time period desired):

☐ One month      ☐ Two months      ☒ Three months      ☐ Four months      ☐ Five months

from: Nov. 17, 2004      until: Feb. 17, 2005  
*Date*      *Date*

☐ Applicant claims small entity status. See 37 CFR 1.27

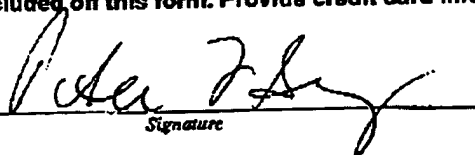
5/2005 DB/LL 1 00000003 022105 09901428 \$510 and is to be paid as follows:

C:2253 A check in the amount of the fee is enclosed.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 02-2105

☐ Payment by credit card. Form PTO-2038 is attached.

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*(Date)*

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PAGE 4/5 \* RCVD AT 2/10/2005 10:32:41 AM [Eastern Standard Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:2124860323 \* DURATION (mm:ss):01:30